

FUNDS MUST BE FORTHCOMING

Union Traction Company of Chicago Not Paying Interest.

CASE IN CIRCUIT COURT BUT FEW DAYS GIVEN THE COMPANY TO SETTLE.

Chicago, Dec. 22.—Judge Grosscup, in the United States circuit court, today refused to order a sale of the street car companies controlled by the Union Traction company. The receivers of the companies made application for authority to issue certificates to pay for equipment, repairs and improvements. The bondholders objected and intimated that the court should sell the property.

The decision recites that the receiver filed a petition asking authority to issue certificates to raise money to pay off certificates issued for the purchase of cars and for repairs and improvements, saying that the earnings have been sufficient only to meet operating and fixed charges. It continues:

"The trustees of the bondholders resist on a number of grounds; the most important of which are, that the suit is a mere creditors' bill, and that the court has no power other than to sell out the property at the first opportunity."

Would Be Sacrificed.

"A sale under existing uncertainties relative to franchise renewals would mean the possible sacrificing of every man and woman's interest who could not bring to the auction block the power to protect such interests by the purchase of the vast whole. The bondholders of these companies number perhaps ten thousand persons. The stockholders number as many more. Of these, the great majority have made their investments out of personal savings. Should a sale of these properties, at this time, be ordered, there would be on hand at the auction block the active, wide awake, experienced traction people. They would have in hand the means for purchasing, would, on the property thus purchased, create a new company. They might and they might not include in this new company the little investors. The past, in such matters, is not wholly reassuring. And if they did not, these wide-spread investments would, by one quick whirl, go by the board."

Company Must Pay Up.

The decision continues: "The court has arrived at a place where it must have funds, and the court would not be proceeding honestly if, while leaving to the Union Traction company the advantage of obtaining by the giving of its obligations to finance, it case on the underlying companies, or the bondholders, the burden of practically fulfilling that obligation."

The court continues the hearing until the 31st day of the present month, at which time, it says, if the Union Traction company shall not have put into the hands of the receivers the sum needed Jan. 1 for interest and rentals, and by Jan. 18 the sum needed for rentals Jan. 20, and by Feb. 1 the balance of the sums immediately needed for the purposes named, the court will consider that the Union Traction company's obligation, in that respect, has been defaulted, and steps accordingly will be taken.

POLYGAMY IN RUSSIA

Question Raised as to the Right of Jews to Take Plural Wives.

Odessa, Dec. 22.—The question whether Jews are prohibited by their religion from contracting plural marriages has been raised in the case of a man named Cronstein, convicted of polygamy, owing to his taking advantage of the Russian law which recognized the legality of plural marriages where the religion of the contracting party authorized it. Cronstein appealed, alleging that although the practice was discontinued in western countries, the Jews were following the practice of the eastern, authorized by the talmud, and the rabbis, David, Solomon, etc., and that the practice was now followed by the Israelites in the mountains of the Caucasus. The court allowed the appeal and summoned a rabbi to give expert testimony.

DOLBEER WILL UPHELD

Miss Etta M. Warren Will Get the Estate of Her Deceased Friend.

San Francisco, Dec. 22.—The will of Miss Bertha M. Dolbeer, who was killed by falling from an upper floor of the Waldorf-Astoria hotel in New York, was today sustained by a jury in Judge Coffey's department of the superior court. In the will, which was contested by her near relatives, Miss Dolbeer gave the greater part of her million-dollar estate to her friend and traveling companion, Miss Etta M. Warren. The jury was out only fifteen minutes. As soon as the verdict was read the attorneys for the contestants presented papers preliminary to an appeal to the supreme court, which action will prevent the distribution of the property devised by the will for several months at least.

For the first time during the proceedings the appraisal valuation of Miss Dolbeer's estate was today made public. It is stated to amount to \$3,150,000.

After the verdict was rendered the attorneys for William H. Muzen and George D. Gray, the executors of the estate, took steps to prove the will. Muzen and Gray were placed on the stand and identified the document.

After court adjourned Miss Warren was surrounded by a number of friends who congratulated her upon her good fortune.

AMERICAN BOATS ENTER TRANSATLANTIC RACE

Berlin, Dec. 22.—The Lokal Anzeiger, in a dispatch from Kiel, says the Imperial Yacht club announced the following entries for the transatlantic race: "Yachtsmen Eudymon, owned by George Lander; Thiele, Robert E. Tol; Arfel, Francis L. Leland; Hildebrand, Edward R. Coleman; Auxiliary schooners—Resolute, John W. Maury; Intrepid, Lloyd Phoenix; Ariadne, Henry W. Putnam, Jr."

Sloop—Constitution, August Belmont and others; Columbia, J. Pierpont Morgan.

All the entries are from the New York Yacht club.

LYING IN STATE.

Pittsburg, Dec. 22.—The body of Bishop Phelan, which is lying in state at the Epiphany church, was viewed by thousands of persons last night and today. The funeral service will be held Friday.

RIVER STEAMER WENT DOWN.

Memphis, Tenn., Dec. 22.—The steamer Robert E. Lee struck a snag near Craighead Point and sank in shallow water. All of the passengers and crew were taken off in safety.

DOCTOR APPEARS WITH A CONTRACT

Claim Against Estate of Mrs. J. H. McVicker of \$126,000.

INSTRUMENT IS PECULIAR

FIGHT BETWEEN PHYSICIAN AND LAWYER.

Chicago, Dec. 22.—Dr. L. C. H. E. Zeigler, in the probate court, today filed a bill of particulars in connection with a bill of claims filed two weeks ago against the estate of the late Mrs. Harriet G. McVicker, who died recently in California. Mrs. McVicker was the widow of the widely known theatrical manager, J. H. McVicker. Zeigler's claim in full amounts to \$126,000. The bill just filed includes copies of contracts which Zeigler claims existed between himself and Mrs. McVicker. The bill shows two contracts bearing on the \$100,000 which Zeigler asserts is due him as part of his claims against the estate.

The first contract is dated Dec. 19, 1899, and provides that after the death of Mrs. McVicker the sum of \$100,000 shall be paid to Dr. Zeigler as soon after her demise as possible. This money, according to the contract, was to be given for services as medical adviser. The second contract is practically a duplicate of the first one, the exception being a change in signature from "Mrs. J. H. McVicker" to "Mrs. Harriet G. McVicker." The reason given for the change in signature was a desire to avoid a possible legal technicality. The contract includes the following information:

Language of the Contract.

"That the party of the first part, Mrs. Harriet G. McVicker, being aware that some unscrupulous persons have conspired to ruin the doctor's good reputation and business, willingly and unhesitatingly causes this change of signature."

"That the party of the first part, Mrs. H. G. McVicker, was necessitated to have Hon. William E. Hughes call on her and investigate the legal aspect of the terrible and cruel conspiracy against Dr. Zeigler led by Mr. L. D. Condee, Miss Jennie Boydston, Mrs. William Cox, Mr. George M. Graves, Mrs. Mick, with an eye angled to have Mrs. Harriet G. McVicker, party of the first part, to discontinue the services of the party of the second part, Dr. L. C. H. E. Zeigler."

"That the party of the first part, Mrs. Harriet G. McVicker, had letters presented to her purporting to be from certain individuals, which, when she carefully questioned of Mr. L. D. Condee by Hon. William E. Hughes, it was deduced by Mr. Condee's own confession that they had been forged and not written by the persons whom he at first declared had written them and delivered same in person."

"That the party of the first part, Mrs. H. G. McVicker, was for many years Mrs. McVicker's attorney."

MILLIONS IN COFFEE

Secretary Wilson Gives Good Advice to Governor of Porto Rico.

Washington, Dec. 22.—Governor Winthrop of Porto Rico today conferred with Secretary of Agriculture Wilson regarding the development of the agricultural resources of that island. Secretary Wilson assured him of the earnest co-operation of the department of agriculture in furnishing scientific assistance to the Porto Ricans. He pointed out the number of crops for which vast sums are paid annually to foreign countries and which should be grown in the newly-acquired tropical possessions of this country, and told of the efforts of the department toward ultimately effecting this result. Secretary Wilson cited the coffee crop imported into this country, for which he said the American people pay in the neighborhood of \$70,000,000 annually to foreign countries. He said he hoped the contracting party authorized it. Cronstein appealed, alleging that although the practice was discontinued in western countries, the Jews were following the practice of the eastern, authorized by the talmud, and the rabbis, David, Solomon, etc., and that the practice was now followed by the Israelites in the mountains of the Caucasus. The court allowed the appeal and summoned a rabbi to give expert testimony.

CONVENTION SIGNED.

The Hague, Dec. 22.—The convention on the status of the regular ships agreed upon by the delegates of the powers to the international conference on the subject, was signed today in the presence of the foreign minister. Subsequently Queen Wilhelmina and the queen mother received the delegates.

The Herald's Xmas Gift.

With every paid classified ad brought to the business office on Saturday for the Sunday Herald a 3-cent box of Sweet's Carnation Chocolates will be given free.

FIFTH ADMIRAL EASILY CHOSEN

Von Spaun of Austria Will Sit on North Sea Commission.

ELECTION WAS UNANIMOUS

ADMIRAL DAVIS CALLED UPON FRENCH OFFICIALS.

St. Petersburg, Dec. 22.—According to a local paper a number of English fishermen have appeared before the Russian consul in London and have deposed to having seen foreign torpedo boats among the Hull fishing fleet. Their depositions, it is added, will be submitted to the international commission now in Paris, the circumstances under which they were obtained being explained.

Paris, Dec. 22.—The international commission appointed to inquire into the North Sea incident met at the consular office at 10 o'clock this morning. Rear Admiral Davis, U. S. N., was present. His presentation to President Loubet has been set for 6 o'clock this evening. The commission unanimously elected Admiral Von Spaun of the Austro-Hungarian navy, to be the fifth member, completed the preliminary organization and adjourned until Jan. 2.

The opening session was held in a suite of sumptuous salons of the D'Orsay palace, foreign office. Admiral Davis arrived in improvised dress, accompanied by his aide, Lieutenant Commander Roy S. Smith, the naval attaché of the American embassy, and Ensign William F. Bricker, U. S. N., Admiral Fournier, the French member of the commission, in behalf of Foreign Minister Delcasse, who was absent from the city. The American admiral and extended him a cordial greeting. Admiral Fournier presented Admiral Davis to Admiral Kazanoff, the Russian member of the commission, and Rear Admiral Sir Lewis A. Beaumont, Great Britain's representative, the group of admirals joining in an informal chat.

Were Not in Uniform.

The admirals and their aides did not wear uniforms, detracting somewhat from the expected brilliancy of the opening session.

Admiral Kazanoff, as senior in rank and age, invited his colleagues to a private salon where he proposed that Admiral Fournier should preside pending the arrival of the fifth member of the commission. Admiral Fournier was unanimously chosen according to the presidency in a felicitous spirit, in which he spoke of the friendly presence of the representatives of many navies. M. Andre Soulangue-Rodière, minister plenipotentiary of France, was selected as secretary, and William Martin and the vicomte de Groguel were appointed assistants, with a large corps of attaches.

Admiral Von Spaun was then unanimously elected the fifth member of the commission and the commissioners were asked to inform their respective governments of the fact.

Admiral Davis during the day called on the president of the council, M. Combes, Marine Minister Pelletan, and the various admirals of the commission.

M. Loubet received Admiral Davis in the library of the Elysee palace at 6 p. m. The admiral, who wore his full uniform, was accompanied by his aides, also in uniform. The interview was a brief and formal exchange of amenities, the president expressing his pleasure at the fact that the United States was represented on this commission.

LONDON EXPLANATION.

Says Russians Have Been Bribing Hull Fishermen.

London, Dec. 22.—The publication in St. Petersburg of the statement that Hull fishermen have voluntarily deposed that foreign torpedo boats were among the trawlers off Dogger bank when the latter were fired upon by ships of the Russian Baltic squadron is probably nothing more than a repetition of similar statements emanating from Hull and appearing in London papers the last few days. These are circumstantial, and it would certainly appear to be true that some men of the Gamecock fleet have made statements before the Russian consul. The name of only one of these has been revealed. He is the boatswain of the trawler Ava, and he said today that he was induced to make the statements while he was intoxicated. He admits he received a certain amount of money, but now says the statement he made is untrue. The extraordinary tenor of his statements or any others has not been revealed.

Agents at Hull.

All published reports from Hull say positively that these statements were secured by two agents of the Russian government, but the Russian embassy in London tonight repeated the denial communicated to the Associated Press on Dec. 21, saying that there is absolutely no truth in the statement that the Russian government or any one in any official capacity, or any one delegated by Russia, has been endeavoring to secure statements from the Gamecock fishermen in support of Russia's position before the Paris commission. It was pointed out, however, that although Russia had offered a reward for information the Russian government was not responsible for the course taken by any person desiring to secure the reward, which would only be paid in the event that the information and the method in which it was secured were approved by the Russian government and shown to have been received from irreproachable sources. It was positively stated that the embassy has no knowledge and no information tending to support the reports of the St. Petersburg paper alluded to.

Yellow Press Charges.

The sensational press of England directly charges the Russian government with using underhand means, by bribery and intoxicants, to secure false reports from men of the Gamecock fishing fleet. The Russian consul at Hull tonight said the boatswain of the Ava was brought to his office, but that he sent him to the commissioner of oaths, where the boatswain swore he saw a Japanese torpedo boat with the trawlers. The consul says he knows of other trawlers who are ready to make similar statements, but that they are afraid of the consequences. The consul indignantly denies that he has made any attempt to induce fishermen to make statements, but that they are afraid of the consequences. The consul informed of the nature of the statement the boatswain of the Ava intended to make it was his duty to see the government to render every assistance.

Some Mystery About It.

After a further air of mystery surrounds the matter, but no credible responsible quarters is given to the allegations that unfair methods have been used by the Russian government.

One explanation of the whole matter emanates from Paris, where it is stated that two reporters of the Petit Parisien recently visited Hull in order to interview men of the Gamecock fleet and secure independent information concerning the Dogger bank affair. As none of the newspaper reports assumes to identify the "agents" as Russians, being limited to calling them "foreigners employed by the Russian government," this is the most probable explanation of the story, which, however, may possibly have a sequel in the testimony before the international tribunal at Paris.

JAPANESE INFLUENCE PREDOMINANT IN CHINA

St. Petersburg, Dec. 22.—The Russian authorities have received information from the Japanese government, a statement of yesterday regarding the Chinese situation, indicating that Japan's influences are predominant not only in the anti-foreign societies, but in the army and at Peking, forcing the conviction here that the situation is becoming critically dangerous. The belief prevails that in the spring Japan, under the cover of an actual or threatened rising in China, will seek to secure the intervention of the powers to end the war. Direct evidence exists that the anti-foreign proclamations circulating in China were printed in Japan.

LOVE WORTH \$100,000.

Ohio Dentist Values His Wife's Affection That Much.

Columbus, O., Dec. 22.—James T. McBride, a dentist of Jersey City, N. J., brought suit today in the court of common pleas against J. W. Bannan, president of the First National bank of Portsmouth; J. H. Bannan and attorney Percy Smith and William R. Smith, of the same place; Judge H. Middleton, of Scioto county; Warden

C. B. Gould, of the Ohio penitentiary, and N. S. Willard, for \$100,000 damages, on the charge of alleged conspiracy to deprive the plaintiff of the love and affection of his wife, Lavinia Gould McBride, sister of the warden.

The petition in itself is the story of an interrupted romance commencing at the time the husband was a student in a dental college and his sweetheart a student of Vassar college, Poughkeepsie, N. Y.

FIGHTING EXTRADITION.

Without Legal Battle.

San Francisco, Dec. 22.—George W. Litcher, the Santa Clara county capitalist, whom the authorities of Ohio are endeavoring to have extradited on a charge of arson, has taken his cause into the United States circuit court. Today his attorney filed a petition for a writ of habeas corpus basing the application on the grounds that the statute of limitations has long since run out against the alleged crime, which is charged to have been committed twenty-four years ago, and that the warrant of arrest issued by the governor of Ohio is not in proper and legal form.

NEW DISCOVERY.

Diphtheria Anti-Toxin Will Cure Spotted Fever.

Bristol, Conn., Dec. 22.—The first practical test of the theory recently advanced by Dr. Wolf of Hartford, a bacteriological expert, whose experiments would indicate a definite relation between diphtheria and cerebro spinal meningitis, or spotted fever, being made at Forestville, near here, a young girl was taken sick yesterday

with spotted fever and the disease progressed so rapidly that when a physician arrived he considered the case almost hopeless. As a last resort 5,000 units of diphtheria antitoxin were administered with the result that the patient was much improved today and there is thought to be good prospect of recovery. There have been twelve deaths from the disease here in as many weeks.

GOLD FOR SHIPMENT.

New York, Dec. 22.—It was reported today that \$1,500,000 in gold had been withdrawn from the New York clearing house today for shipment to South America. The name of the shipper could not be ascertained.

Baring, Magoun & Co. announce the engagement of \$250,000 gold coin for shipment to Buenos Ayres on Saturday.

Lazard-Freres shipped gold bars amounting to \$500,000 to Paris. The sub-treasury transferred by telegraph today \$300,000 to San Francisco and received from that city \$38,000.

Mehesy, the Furrier

KNUTSFORD HOTEL

CHRISTMAS FUR SALE

See our Extra Special Sable and Isabella Color Scarfs, worth from \$7.00 to \$8.50, at . . **\$5.00**

\$150.00 . .	Guaranteed	.. \$150.00
\$275.00 . .	Seal Skin	.. \$275.00
\$350.00 . .	Coats	.. \$350.00

Buy of the Genuine Manufacturer

MEHESY THE FURRIER

KNUTSFORD HOTEL

No Branch, no Connection with any other Store in this City

A Man's Christmas!

(STORE OPEN EVENINGS.)

HARD work buying Christmas Presents— isn't it? Why not give him something he will appreciate—a Suit or Overcoat, for instance? Either would make an admirable gift. If you prefer a Smoking Jacket, a Bath Robe, Gloves, Beautiful Neckwear, Shirts, Sweaters, Fine Handkerchiefs, Underwear, Hosiery, Umbrellas, Cuff Buttons, Mufflers, Etc., Etc., remember that you are sure to find the Smartest and Best Here. Everything for Boys, too. Prices Low Enough. Every article at a Special Xmas Sale Price. Our Store is a veritable Xmas Tree of Gifts. This way, everybody, for Christmas Presents for him.

One Price **BARTON & CO.** 45-47 Main

TRUE HAPPINESS

Results from making ALL your Christmas Purchases from the BIG RELIABLE STORE. It's so easy and pleasant to buy EVERYTHING needed under one roof, and save the worry and inconvenience of "running" to eight or ten different stores.

IN CONSIDERATION OF OUR PATRONS

Who can not possibly do their Christmas shopping during the day time, UTAH'S GREATEST DEPARTMENT STORE will remain open tonight, Friday and Saturday nights, according to a custom of 35 years' standing with us. Our usual closing hours are 6:30, but we desire to accommodate those whom we know can not spare the time to make their purchases in a satisfactory manner during the day time.

WE PAY OUR CLERKS

For their time, their working hours during the whole year are without question shorter than those employed in many stores, and the relations in general between Z. C. M. I. and its 500 to 600 employees is generally considered as "ideal." You will therefore find our salespeople willing and anxious to supply your every want day and evening.

Z. C. M. I.

UTAH'S GREATEST DEPARTMENT STORE